



750 Third Avenue
New York, NY 10017-2703
(212) 687-8181
Fax: (212) 972-9432
www.kreindler.com

May 16, 2018

Via ECF/CM

Judge Carol Bagley Amon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Jian Guo Cheng*, 16-cr-272 (E.D.N.Y.) (CBA) (RLM)

Dear Judge Amon:

I am counsel to defendant Jian Guo Cheng, having filed a notice of appearance with the Eastern District of New York on October 24, 2017 in connection with the case in the Eastern District of New York, and on December 7, 2017 with the Second Circuit, in connection with his appeal. While this case had originally been under seal, on October 11, 2017, this Court ordered that the docket be unsealed.

It has now come to my attention that five documents relevant to Mr. Cheng's appeal remain sealed – the Notice of Appeal, the transcript from the 05/23/2016 plea proceeding (and Exhibit 1 to that proceeding), the transcript from the 12/01/2016 bail revocation hearing, the transcript from the 08/11/2017 first day of the *Fatico* hearing and the transcript from the 09/27/2017 second day of the *Fatico* hearing.

Having reviewed the above sealed documents as well as all of the publicly available documents, I have confirmed that all of the information that formed the basis of the original sealing order has become a matter of public record. Witnesses at the 08/11/2017 and 09/27/2017 *Fatico* proceedings have been named and the content of their testimony discussed in the sentencing hearing transcript, which is not sealed. Mr. Cheng's activities (discussed at the 05/23/2016 plea proceeding and the 12/01/2016 bail hearing) have been set forth in detail in various publicly available items docketed in this case, including the parties' sentencing memoranda and the sentencing hearing. None of the information in the Notice of Appeal nor the transcripts includes information that would warrant the continued withholding of those documents from the public's view (for investigative purposes, witness safety or otherwise).

California Office

707 Wilshire Boulevard, Los Angeles, CA 90017-3613
Tel: (213) 622-6469 Fax: (213) 622-6019

Massachusetts Office

855 Boylston Street, Boston, MA 02116-2688
Tel: (617) 424-9100 Fax: (617) 424-9120

May 16, 2018

Page 2

I have spoken with Mr. Cheng's attorney during district court proceedings, Joyce C. London, who has no objection to this request. I have also contacted assistant United States Attorney Nadia Moore to ask for her position but have not received a response.

For all of the reasons set forth above, I respectfully ask that this Court so-order this letter-request to unseal the following documents:

1. Transcript of 05/23/2016 Plea Proceedings, including Exhibit 1 submitted to the Court during that proceeding;
2. Transcript of 12/01/2016 Bail Revocation Hearing;
3. Transcript of 08/11/2017 *Fatico* Hearing;
4. Transcript of 09/27/2017 *Fatico* Hearing; and
5. Notice of Appeal.

Respectfully,

/s/
Megan Wolfe Benett

cc: All counsel of record via ECF/CM